IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Crl.MC.No. 3447 of 2006()

CC.1031/2005 of JUDL.MAGISTRATE OF FIRST CLASS, KOYILANDY

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PETITIONER: 2ND ACCUSED:

P. MANOJ, SON OF LATE P.P.BHASKARAN,
PONNAMPARAMBATH HOUSE, PUTHIYANGADI, KOZHIKODE.

BY ADV. SRI.V.G.ARUN

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3447 of 2006

Dated this the 27th day of November 2006

O R D E R

The petitioner is an accused facing indictment in a prosecution under the provisions of the Explosives Act. Cognizance was taken as early as on 14/11/2005. Charges have been framed against the petitioner. He accepted the same without demur. When the matter was posted for trial, evidently the petitioner has rushed to this court with the prayer that the prosecution against him may be quashed.

2. Having heard the learned counsel for the petitioner, I find absolutely no justification in the prayer for quashing of proceedings. At this stage of the proceedings, the petitioner who has not raised any grievance against framing of the charges, has come before this court obviously to play for time and for protracting the trial, after the matter is posted for trial. I do not wish to express any opinion on merits on the sustainability of the allegations. I am convinced that, at this stage, it is not necessary for this court to consider invoking powers under Section 482 Cr.P.C to bring about a premature termination of the prosecution against the petitioner. The petitioner must take part in the proceedings and raise his defence in the course of the trial. This Crl.M.C is in these circumstances dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006